



Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace

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POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT THE WORKPLACE

1. PURPOSE

- 1.1. Cairn believes that the right to equality is a fundamental right, which includes the right to work with dignity. Cairn is an equal employment opportunity employer and is committed to creating a work environment that enables Employees to work without fear of prejudice and gender bias as well as providing a safe workplace that is free of sexual harassment in any form.
- 1.2. Cairn will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure the same. Sexual harassment of Employees at the workplace is a grave offence, amounts to misconduct, and is punishable.
- 1.3. The purpose of this policy is to prohibit, prevent or deter the commission of acts of sexual harassment at the workplace and to provide a procedure for receiving and redressing complaints from Aggrieved Employees pertaining to sexual harassment.
- 1.4. This policy will on one hand oblige all Employees to honour this commitment and on the other hand assist the Aggrieved Employee to seek support and ensure remedial action.
- 1.5. All capitalized terms used under this Policy shall have the meaning as ascribed to them in the Definitions section.

2. SCOPE AND APPLICABILITY

- 2.1. The policy will apply to all Cairn Employees and shall be applicable irrespective of grade, or employment status and is deemed to be incorporated in the service conditions of all Employees.
- 2.2. This Policy covers the major aspects of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Rules thereof ('the Act' and 'the Rules' respectively) and any statutory modifications thereto, which unless otherwise mentioned shall be interpreted based on the Act and the Rules.

3. DEFINITIONS

- 3.1. **“Aggrieved Employee”** shall mean (i) in relation to a workplace, any individual, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent;
- 3.2. **“Cairn”** shall mean Cairn Oil and Gas (Vedanta Limited)
- 3.3. **“Complainant”** shall have the meaning ascribed to it in Clause 5.2.1;
- 3.4. **“Employee”** shall mean persons employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- 3.5. **“Employer”** shall mean CHRO and CFO of Cairn;
- 3.6. **“ICC”** shall mean the Internal Complaints Committee constituted as per Clause 5.1;
- 3.7. **“Respondent”** means a person against whom the Aggrieved Employee has made a complaint as per Clause 5.2.1;
- 3.8. **“Workplace”** includes and is not limited to:
- Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit, or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services, or financial activities including production, supply, sale, distribution, or service.
 - Hospitals or nursing homes
 - Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto
 - Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey
 - A dwelling place or a house

3.9. What constitutes SEXUAL HARASSMENT

3.9.1. **“Sexual harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:

- Physical contact and advances; or
- A demand or request for sexual favors; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

The following circumstances, amongst other circumstances, if it occurs or is present in relation to or connected to with any act or behavior of sexual harassment may amount to sexual harassment:-

- An implied or explicit promise of preferential treatment in the Employee’s employment.
- An implied or explicit threat of detrimental treatment in the Employee’s employment.
- An implied or explicit threat about the Employees present or future employment status.
- Interference with the Employee’s work or creating an intimidating or offensive or hostile work environment for the Employee.
- Humiliating treatment likely to affect the Employee’s health or safety.

3.9.2. An indicative list of behaviours that constitute sexual harassment is attached in **Annexure I**.

4. RESPONSIBILITY

4.1. All Employees have a personal responsibility to ensure that their behaviour and conduct is not contrary to this Policy.

4.2. All Employees are expected to reinforce the maintenance of a workplace culture and environment free from sexual harassment and are responsible to ensure that all instances of sexual harassment are reported to the Internal Complaints Committee (ICC) through the Complaint Redressal Procedure established under this Policy.

5. COMPLAINT REDRESSAL PROCEDURE

5.1. Constitution of the Internal Complaints Committee (ICC)

Central ICC has been constituted by Cairn at its Corporate office to receive, consider and redress all complaints of Sexual Harassment under this Policy in a time bound manner. In addition, additional member(s) have been nominated to the Central ICC from each location of Cairn to address any complaints from such locations along with the Central ICC. All complaints under this policy can be lodged with either the Presiding Officer, any other member(s) of the ICC, Line manager, HR Business Partner, Legal department, or any Director of Cairn. The ICC shall consist of the following members to be nominated by the employer, namely:

- A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employee:
Provided that in case a senior level woman employee is not available, the presiding Officer shall be nominated from other locations of the workplace referred to in definition section
Provided further that in case the other locations of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.
- Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- Such other members as may be nominated by Cairn.

5.1.1. The list of ICC members is provided in the Circular on Darwinbox .

5.1.2. At least one half of the total members so nominated to the ICC shall be women.

5.1.3. While conducting either a meeting or an inquiry, a minimum of 3 members of the ICC shall be present at all times to constitute a valid quorum, 2 of whom shall be women.

5.1.4. The Presiding Officer and the other members of the ICC shall hold office for such period, not exceeding three years from the date of their nomination as may be specified by the employer.

5.2. Procedure for filing a complaint

- 5.2.1. Any Aggrieved Employee can lodge a complaint of sexual harassment in writing as per Clause 5.1 within a period of 3 months from the date of the incident of sexual harassment, and in the event of a series of such incidents, within a period of 3 months from the date of the last incident (“**Complainant**”).
- 5.2.2. *Provided further that the ICC, may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period.*
- 5.2.3. The formal complaint can be lodged in writing via email to any of the ICC members or to the ICC mailbox – ICC@cairnindia.com or can also be handwritten. The complaints should contain to the extent possible any other supporting data (if available) and the names and addresses of the witnesses, if any. The contact details and addresses of the Presiding Officer and the other members of the ICC are provided in the Circular in DarwinBox.
- 5.2.4. The complaint can even be made by the Complainant as per clause 5.1. In the event that a complaint is made to the Employee’s line manager, HR Business Partner, Legal department or any Director of Cairn, such persons should report the same to the Presiding Officer of the ICC.
- 5.2.5. It may be noted that while there is no prescribed format for filing a complaint under this Policy, the Complainant is encouraged to file a complaint in the format provided in **Annexure II** to this Policy.
- 5.2.6. It may be further noted that this Policy requires Complainants to provide their names and contact details while filing a complaint.
- 5.2.7. In the event that the Aggrieved Employee is unable to file a complaint on account of his / her physical or mental incapacity or death, the legal heir or such other person as may be prescribed may make a complaint in accordance with the procedure laid down in the Act.
- 5.2.8. All appropriate measures will be taken to ensure confidentiality of the complaint and the investigation by the ICC will be carried out in a manner conducive to such confidentiality. At no time shall the contents of the complaint, the identity and addresses of the Aggrieved Employee, the Respondent and the witnesses, or any information relating to any conciliation proceedings or the investigation process or the report and recommendations

of the ICC or the actions taken pursuant thereto be published, communicated or made know to the public, press and media in any manner.

5.3. Redressal process

- 5.3.1. Every complaint lodged under this policy shall be placed before the ICC by the Presiding Officer or the relevant member(s) who received it.
- 5.3.2. Depending on the type and severity of the reported incident, as assessed by the ICC, and after hearing the complainant and the Respondent, a decision will be taken by the ICC as to whether or not to investigate further into the complaint and conduct an inquiry. In the event that the ICC decides not to investigate into the complaint further it shall record the reasons for doing so in writing and communicate the same to the Complainant.
- 5.3.3. If the ICC considers that an investigation is necessary, an Inquiry Panel will be constituted by the Presiding Officer and an inquiry shall be initiated promptly and concluded within a reasonable period of time which shall not exceed 90 (ninety) days. The inquiry will be conducted in accordance with the principles of natural justice. The inquiry guidelines are provided in **Annexure III**.
- 5.3.4. Where the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to take any action including and not limited to a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
- 5.3.5. In addition to the actions (based on employer-employee relationship) contemplated in this policy, the Aggrieved Employee shall at all times be at liberty to choose to proceed against the Respondent in accordance with law and Cairn will extend all reasonable support to conclude the process.
- 5.3.6. A flow chart explaining the process from the lodging of a complaint to redressal of the same under this Policy and been provided in **Annexure – IV**.

5.4. Protection against retaliation

5.4.1. Regardless of the complaint (provided it is not malafide) and the outcome of the ICC proceedings, the Employee lodging the complaint and any person providing information to the ICC as a witness or otherwise shall be protected against any retaliation in whatsoever form.

5.4.2. No person is permitted to commit any “Act of Retaliation” in any way against anyone for complaining under this Policy or for cooperating in the ICC investigation and inquiry, or for having to face the disciplinary action taken by Cairn.

“Act of Retaliation” means any acts of singling out the Aggrieved Employee or any other person who may be involved with any investigation pursuant to this policy. All of the following, including and not limited to,

- Open hostility
- Refusal to work with the complainant
- Avoiding the Complainant
- Not inviting to meetings
- Being extra cordial

can be Acts of retaliation.

5.4.3. If the employee feels that he/she is facing retaliation in the nature of intimidation/pressure to withdraw the complaint or receiving threats against reporting, testifying or otherwise participating in the investigation, he/she may report the matter to the Presiding Officer or any member(s) of the ICC.

5.4.4. An Act of Retaliation shall be treated as an act of harassment and appropriate disciplinary action shall be taken against the person(s) found to be committing such acts.

5.5. False/ Malicious Complaint or False evidence

5.5.1. Except in cases where Terms and Conditions of employment exist, where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or the aggrieved employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of clause 5.3.4 above.

5.6. Confidentiality

5.6.1. It is the duty of all employees to ensure that all complaints made under this Policy and the information pertaining to it are kept confidential. All incidents/grievances reported under this Policy shall be treated sensitively and with confidentiality.

5.6.2. It is common knowledge that consensual relationship between Employees and those reporting to him/her, directly or indirectly, could create conflict of interest at workplace. It is therefore necessary for those in such relationships to promptly inform the management to avoid conflicts of interest at workplace.

6. REFERENCES

This policy may be referred to in conjunction with:
Vedanta Limited Code of Business Conduct and Ethics
Terms & Conditions of Employment

7. DISTRIBUTION

Tejas – Document Central – Policies section
Darwinbox – Policies section

Annexure – I: Indicative list of behaviours that constitute Sexual Harassment

“Sexual Harassment” shall include both verbal harassment and non-verbal harassment:

Verbal Harassment shall include:

- Any taunting/snide remarks based on sex (including pregnancy or a related medical condition), sexual orientation, gender identity, marital status or personal appearance, colour of skin, attire/dressing, etc.;
- Phone calls or messages/emails on mobiles/computer(s) etc which are intrusive, threatening, abusive or offensive;
- Intrusive questions/remarks about sexual activity or behaviour, tales of sexual exploits, unwelcome comments about bodies of women/men, etc.;
- Telling lewd jokes, using offensive language, singing or humming vulgar songs etc.;
- Continued attempts to foster personal interaction despite a clear indication of disinterest, repeated suggestions for unwanted social activities either inside or outside the workplace, etc.

Non-verbal Harassment shall include:

- Displaying of books, photographs, paintings, films, pamphlets etc. containing 'indecent representation of women/men, etc.;
- Offensive gestures, staring, leering or whistling with an intention to insult, humiliate or embarrass others, etc.;
- Viewing or sharing through letters, phone, electronic instant messaging or e-mail messages any pornographic pictures, posters, Internet sites etc.;
- Monitoring the use of phones, internet, emails of any other form of electronic communication by the
- Employee with an intention to intrude on his/her privacy, etc.;

Physical Harassment shall include:

- Molestation, unwelcome hugs, kisses, brushing, fondling, pinching, touching etc.
- Indecent exposure, etc.
- Stalking, intrusion upon privacy, physical confinement, etc., in the following ways,
 - following or approaching the Employee; or
 - loitering near, watching, approaching or entering a place where the Employee resides, works or, visits or,
 - keeping the Employee under surveillance or
- Taking photographs/videos without permission or after objection to such action, sharing of the images so captured, etc.

Note: This is an indicative list only and any action not falling in the above categories also would qualify for inquiry under this policy if such action causes sexual harassment.

Annexure – II: Recommended Format of Complaint

- 1. **NAME OF COMPLAINANT** : _____
- 2. **DEPARTMENT** : _____
- 3. **GRADE** : _____
- 4. **EMPLOYEE ID** : _____
- 5. **WORKPLACE LOCATION** : _____
- 6. **CONTACT DETAILS & ADDRESS:** _____

Name, Designation and Contact Details (if available) of Person against whom Complaint is filed.	Date, time and place of incident(s).	Details of the Incident	Names and Contact details of witnesses, if any:	Supporting documents and data, if available

Any other facts, details, background relevant to the Complaint:

Declaration: I _____, do hereby declare that I have read and fully understood the contents of the Cairn Oil and Gas Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women at the Workplace and that all the contents of this complaint have been verified by me and are true.

 (Signature of Complainant)

Annexure – III: Inquiry Guidelines

Introduction

This Annexure serves as a procedural guide for inquiry and investigation into the complaints.

Complaint

The complaint/ grievance must contain details as cited in **Annexure II**

Lodging a complaint

Any person who has been a victim of sexual harassment, can make a formal written complaint or a verbal complaint or a complaint made over e-mail or through any other mode of electronic communication as per Clause 5.1. Complaint can also be sent to ICC@cairnindia.com.

All complaints will be received and investigated by the ICC.

Assessing existence of a Prima Facie Case

The first step for the ICC is to check if prima facie case exists. To determine this, the following factors will be considered by ICC:

- The Complainant has personally suffered adverse effect or his/her ability to work is impacted adversely or his/her reputation is affected adversely.
- The complaint is for an act or circumstance cited in clause 3.9.1.

Choice of Conciliation

The ICC, may, before initiating an inquiry and at the request of the aggrieved employee take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation. Where settlement has been arrived, the ICC shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.

Initiating the formal inquiry

- There shall be investigation into a complaint which is not suitable for conciliation, or if either of the parties is not willing to accept the conciliation process or proposed settlement arrived at through the conciliation process or if for some reason or the other conciliation can't proceed further.
- The Presiding Officer of the ICC shall constitute an Inquiry Panel consisting of not less than 3 (three) persons (including the Presiding Officer) from amongst the ICC members, 2 (two) of whom should be women. If more than 3 (three) members are present, then one half of the

members present (including the Presiding Officer) should be women. The Inquiry panel can have the External member (Lawyer, NGO) as defined earlier on need basis.

Investigation

- Post lodging of a complaint, if the Complainant wishes to supplement facts, he/she may be given such opportunity by the Inquiry Panel.
- On receipt of the complaint, the ICC shall send the same to the respondent within a period of seven working days
- In case the respondent is a business partner employee, the complaint will not be sent to them, however, will be read to them.
- The respondent shall file the reply to the complaint along with the list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the complaint from ICC.
- The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC. Both parties will be given a chance to give an oral account of the facts and circumstances from their respective perspectives including names of witnesses, if any.
- The Inquiry Panel may also write to witnesses to come forward with their version of facts and circumstances leading to the alleged incident.
 - The Inquiry Panel may also pursue any records or documents which may be relevant to the investigation.
- Withdrawal of a complaint, if sought by the Complainant, is permissible. ICC shall verify with the Complainant in person that the proposed withdrawal of complaint is not under pressure/undue influence.
- ICC may expand the Inquiry Panel with additional members as appropriate based on need for specific expertise or knowledge.
- During the pendency of the inquiry, the ICC, on the request of the Aggrieved Employee, may recommend any of the following actions to Cairn:
 - Transfer the Aggrieved Employee or the Respondent to another workplace; or
 - Grant leave to the Aggrieved Employee up to a period three months ; or
 - Grant such other relief to the Aggrieved Employee as may be prescribed under the Act.

Analyzing and assessing credibility

This is the most crucial part of the investigation as it may not always be easy to establish the guilt beyond reasonable doubt. Credibility of what each party says has to be examined and assessed

in the over-all context. If the parties remain biased rather than balanced, unable to or refuse to answer queries put to them, it may be difficult to believe their version. In such cases assessment of facts and circumstances and the roles they played becomes more important. The Inquiry Panel shall assess the probability of the facts also.

Drawing Conclusion

After hearing all the parties/witnesses concerned, and upon perusal of evidence and all the documents that have been submitted, the Inquiry Panel shall arrive at a conclusion. The ICC shall consider the same, record its comments and forward it to the Employer. An inquiry must be completed within ninety days and a final report submitted to the Employer within ten days thereafter. Such report will also be made available to the concerned parties. The Employer shall act on the recommendations within sixty days.

Appeal

Any person aggrieved from the recommendations made or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the Terms & Conditions of employment or in such manner as may be prescribed. The appeal shall be preferred within a period of ninety days of the recommendation(s).

Annual Report

ICC shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the Employer and the District Officer.

Annexure – IV: Complaint Lodging & Redressal Process Flow

